
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

JOHN R. CAMPBELL,

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Petitioner,

versus

CIVIL ACTION NO. 1:07-CV-754

UNITED STATES OF AMERICA,

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Respondent.

**MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner John R. Campbell, an inmate confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends that the above-styled petition should be dismissed.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See FED. R. CIV. P. 72(b)*.

After careful consideration, the court concludes Petitioner's objections are without merit. As the magistrate judge determined, Petitioner's claim does not satisfy the factors required to proceed under the savings clause of Section 2255. *See Reyes-Quenya v. United States*, 243 F.3d 893, 904 (5th Cir. 2001). Further, Petitioner's claim regarding restitution does not satisfy the "in

custody" requirement of Section 2241. *See Cottone v. Jeter*, 231 Fed. Appx. 364, 365 (5th Cir. 2007) (citing *United States v. Hatten*, 167 F.3d 884, 885 (5th Cir. 1999)). Therefore, this court lacks jurisdiction to entertain the petition.

ORDER

Accordingly, Petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 1st day of July, 2008.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE